

REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 9-35 are pending in the present application, Claims 9-20 having been amended, and Claims 21-35 having been added. Support for the amendments to Claims 9-20 is found, for example, in the specification at page 6, line 33 to page 7, line 2. Support for new Claims 21-35 is found, for example, page 3, lines 4-12, page 5, lines 11-13, page 6, lines 9-20, page 2, line 32 to page 3, line 12, page 5, lines 5-13, and in the original claims. Accordingly, no new matter is added.

In the outstanding Office Action, Claims 9-20 were rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 5,781,628 to Alperovich.

Applicant thanks the Examiner for the courtesy of an interview extended to Applicant's representatives on April 24, 2006. During the interview, differences between the present invention and the applied art, and the rejections noted in the outstanding Office Action were discussed. No agreement was reached pending the Examiner's further review when a response is filed. Arguments presented during the interview are reiterated below.

With respect to the rejection of Claim 9 as anticipated by Alperovich, Applicant respectfully submits that the amendment to Claim 9 overcomes this ground of rejection. Amended Claim 9 recites, *inter alia*, "receiving a plurality of different situation-indicating parameters in the one mobile communication terminal...determining security parameters in the one mobile communication terminal based on a combination of the plurality of different situation-indicating parameters...." Alperovich does not describe or suggest these elements of amended Claim 9.

Alperovich addresses a problem associated with geographical or geopolitical areas not permitting encrypted transmission. To this end, Alperovich discloses a system and method of

selectively restricting wireless ciphering communications. Alperovich discloses a mapping function with a database that includes ciphering restrictions keyed to geographical or geopolitical areas.¹ The database is placed within components of a cellular or satellite based system (i.e., within the mobile switching center (MSC), the visitor location register (VLR), the base station controller (BSC), or individual base stations.² Alperovich discloses that after a determination of the ciphering mode is made (encryption enabled or encryption denied)³, the decision is transmitted to cellular phone MS 20.⁴

The outstanding Office Action appears to equate the Boolean value or flag of Alperovich to the claimed “situation-indicating parameters.” Alperovich only transmits *one* Boolean value or flag from the network to the communication terminal to set the transmission mode as “encryption permitted” or “encryption denied.”⁵ Thus, Alperovich does not disclose or suggest that a mobile communication terminal receives *a plurality of different situation-indicating parameters* and that the mobile communication terminal determines security parameters based on *a combination of the plurality of different* situation indicating parameters.

Furthermore, Claim 9 also recites “...determining security parameters in the one mobile communication terminal...” Thus, Claim 9 requires that the decision about the degree of security be made in the one mobile communication terminal. Alperovich discloses that the decision about whether encryption is to be activated is made outside the mobile communication terminal.⁶

¹ Alperovich, col. 3, lines 64-67.

² Alperovich, col. 4, line 66 to col. 5, line 13).

³ Alperovich, col. 5, lines 56-62.

⁴ Alperovich, col. 6, lines 30-33, and Fig. 6 step C.

⁵ Alperovich, col. 5, 56-62.

⁶ Alperovich, Fig. 6.

Furthermore, Alperovich merely discloses that in the mobile communication terminal, the transmission mode is merely set as “encryption permitted” or “encryption denied.”

Alperovich does not disclose or suggest determining a differentiated degree of security.

In view of the above-note distinctions, Applicant respectfully submits that Claim 9 (and Claims 10-16 dependent thereon) patentably distinguish over Alperovich. Furthermore, Applicant respectfully submits that amend Clams 17-20 are similar to Claim 9 and patentably distinguishes over Alperovich for at least the reasons stated for Claim 9.

Applicant respectfully submits that new Claims 21-25 patentably distinguish over Alperovich. Claims 21-25 require “...cryptographic algorithms...which determine a height of the degree of security of the cryptographic functions for specific services including at least one of an e-mail service, a file transfer service, a financial service, and a database application service.” Alperovich only discloses setting the transmission mode as “encryption permitted” or “encryption denied.” Alperovich does not disclose or suggest encryption with varying degrees of security for specific services including at least one of an e-mail service, a file transfer service, a financial service, and a database application service.

Applicant respectfully submits that new Claims 26-30 patentably distinguish over Alperovich. Claims 26-30 require “the situation indicating parameters including service-specific data that indicate a current type of service including at least one of an email service, a file-transfer service, a financial service, and a database service.” As noted previously, Alperovich only transmits a Boolean value or flag from the network to the communication terminal. The Boolean value or flag does not include service-specific data that indicates a current type of service including at least one of an email service, a file-transfer service, a financial service, and a database service.

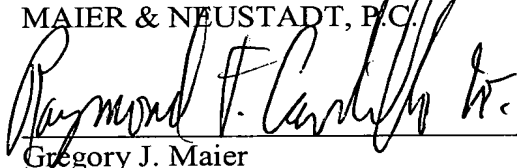
With respect to new Claims 31-35, Applicant respectfully submits that new Claim 31-35 patentably distinguish over Alperovich. New Claims 31-35 recite “the situation indicating

parameters including a country code....” As noted previously, Alperovich only transmits a Boolean value or flag from the network to the mobile communication terminal. The Boolean value or flag does not include parameters including a country code. In Alperovich, country information is limited to only the database 34 shown in Fig. 3.

Consequently, in light of the above discussion and in view of the present amendment, the present application is believed to be in condition for allowance and an early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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